

**Amendment and Response**

Applicant: Andrew Spencer

Serial No.: 10/689,244

Filed: Oct. 20, 2003

Docket No.: 10014282-1

Title: SYSTEM AND METHOD FOR SETTING A CLOCK RATE OF A MEMORY CARD

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**REMARKS**

The following remarks are made in response to the Office Action mailed April 16, 2008. Claims 1, 2 and 4-9 were allowed. Claims 10-20 and 24-36 were rejected. With this Response, claims 10-12, 15, 19, 20, 24, 28, and 33 have been amended. Claims 1, 2, 4-20 and 24-36 remain pending in the application and are presented for reconsideration and allowance.

**Allowable Subject Matter**

Claims 1, 2, and 4-9 are allowed.

**Claim Rejections under 35 U.S.C. § 103**

Claims 10-20 and 24-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,407,941 (Aizawa) in view of U.S. Patent No. 6,741,570 (Kojima) and U.S. Patent No. 4,288,860 (Trost).

Applicants have amended independent claims 10, 19, 28, and 33 to recite features corresponding to the features of allowed independent claim 1. Claim 10, for example, has been amended to recite “wherein the memory card is configured to detect a rate of transactions received by the memory card from the host device by determining a number of times that the buffer is full and empty during a time period ... .” None of Aizawa, Kojima, or Trost teach or suggest this feature of claim 10. Accordingly, Applicants respectfully submits that claim 10 patentably distinguishes over the cited references for at least this reason. Claims 11-18 depend from claim 10 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 11-18 under 35 U.S.C. §103(a).

Applicants respectfully submit that claims 19, 20, and 24-36 patentably distinguish over the cited references for the above reason. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 19, 20, and 24-36 under 35 U.S.C. §103(a).

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 2, 4-20 and 24-36 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 2, 4-20 and 24-36 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Manisha Chakrabarti at Telephone No. (630) 355-3376 or Christopher P. Kosh at Telephone No. (512) 241-2403. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: July 16, 2008

CPK:dmd

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